

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

KERRY CHAPPELL,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	2:22cv551-MHT
)	(WO)
TRAVELERS PERSONAL)	
INSURANCE COMPANY,)	
)	
Defendant.)	

ORDER

Plaintiff filed this case in state court asserting claims under Alabama law of breach of contract, bad-faith failure to pay, and bad-faith failure to investigate against the defendant insurance company. After defendant removed the case to federal court, plaintiff moved to remand to state court. In the complaint, plaintiff requests \$ 74,999.00 after each of the three counts in the complaint, which gives the impression of seeking that amount for each count separately, but in the motion to remand, plaintiff clarifies that he seeks only \$ 74,999.00 in the

aggregate as damages. Along with his motion, plaintiff filed an affidavit stating that he agrees to an irrevocable cap of \$ 74,999.00 on the total amount of damages that may be sought by or awarded to him in this case, not including interest and costs. See Affidavit (Doc. 5-1). Based on this affidavit, defendant has agreed to a remand, subject to the court entering an order setting a cap on damages. See Response to Motion to Remand (Doc. 9) at 2. The court will grant the remand based on the agreement of the parties.

Accordingly, based on plaintiff's agreement to an irrevocable cap of \$ 74,999.00 on the total amount of damages that may be sought by, or awarded to, him in this case, it is the ORDER, JUDGMENT, and DECREE of the court that:

(1) Plaintiff Kerry Chappell may not seek or be awarded more than \$74,999.00 in total damages in this case, not including interest and costs.

(2) The motion to remand (Doc. 5) is granted, and that, pursuant to 28 U.S.C. § 1447(c), this cause is remanded to the Circuit Court of Montgomery County, Alabama.

The clerk of the court is DIRECTED to take appropriate steps to effect the remand.

This case is closed in this court.

DONE, this the 8th day of November, 2022.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE